



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 4485-99

6 December 1999

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 27 July 1981 for four years as an SN (E-3). At the time of your enlistment, you had completed more than six years of prior Army service.

The record reflects that you were advanced to MS3 (E-4) and served without incident until 20 January 1984 when you were admitted for a psychiatric evaluation after being brought to an emergency room by your wife. You had punched a hole in one of the walls of your home after you learned that your wife was leaving you and her new boyfriend came to your home. When initially interviewed, you related feelings of helplessness and hopelessness and said that you would gladly take a cyanide tablet if offered. The treatment summary noted that you had been married before and your first wife left you after 10 years of marriage. You reported that in 1982, when your current wife

threatened to seek separation, you responded by drinking one and one-half bottles of rubbing alcohol and some machine oil. During the course of treatment, you remained despondent and continued to voice suicidal and homicidal thoughts, specifically, to do bodily harm to the man who was living with your wife. You were diagnosed with a dependent personality disorder and released from treatment on 31 January 1984. Administrative separation was recommended.

On 29 February 1984 you were notified that discharge was being considered by reason of convenience of the government due to the diagnosed personality disorder. You were advised of your procedural rights, waived those rights, and did not object to the discharge. Thereafter, the commanding officer recommended separation with an honorable discharge. On 9 March 1984, Commander, Naval Military Personnel Command directed an honorable discharge by reason of "other physical/mental conditions-personality disorder." You were so discharged on 22 March 1984 with an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals discharged by reason of a diagnosed personality disorder. The Board noted the litany of issues that you submitted in support of your application. These issues appear to have been copied from a military service representative's handbook and are neither supported by any probative evidence nor a convincing argument in support of your application. You provide no evidence that the diagnosis of a personality disorder made by competent Naval authority was erroneous or invalid. The Board noted at the time of your discharge you were a threat to harm to yourself and others because of suicidal or homicidal ideations, which are matters of concern to the Navy since it lacks the resources for treating individuals with such problems on a long term basis. Since you posed a risk for harm to yourself or others if retained, the Board concluded that the reenlistment code was proper and no change is warranted. Your desire to enlist in the National Guard does not provide a valid basis for changing a correctly assigned reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director